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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **BRADLEY M. HIXON,**

12 Plaintiff,

13 v.

14 **Correctional Officer J. CRUZEN,**

15 Defendant.
16

C 07-6078 WHA

**[PROPOSED] ORDER
GRANTING MOTION TO
DISMISS**

17 Plaintiff Bradley M. Hixon is a state inmate incarcerated at Salinas Valley State Prison.
18 He filed this action under 42 U.S.C. § 1983 and makes a First Amendment claim against
19 Defendant J. Cruzen.

20 Defendant filed a motion to dismiss the action because Plaintiff failed to exhaust his
21 available administrative remedies before filing suit, as required by the Prison Litigation Reform
22 Act, 42 U.S.C. § 1997e(a) and failed to state a claim for relief. Defendant argued that Plaintiff
23 failed to exhaust his available administrative remedies because: (1) Plaintiff failed to exhaust his
24 available administrative remedies before filing this federal civil rights action; and, (2) Plaintiff
25 failed to pursue his administrative appeals to exhaustion through the requisite third level of
26 review. Defendant also argued that Plaintiff did not state a claim for relief against Defendant.
27 Defendant requested that Plaintiff's action be dismissed for failure to properly exhaust available
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1 administrative remedies before filing suit, as required by the Prison Litigation Reform Act and
2 for failure to state a claim for relief against Defendant.

3 After full consideration of all pleadings and good cause appearing, the Court grants
4 Defendant's motion to dismiss the action.

5 IT IS SO ORDERED.

6
7 Dated: _____

The Honorable William Alsup